



Montana Fish, Wildlife & Parks

COMMERCIAL BAIT SEINING LICENSE APPLICATION (Attach \$10 License Fee) revised for 2011 season

Date of Application: _____ License for Calendar Year: _____

Note: License expires the 31st day of December following date of issue. Licenses will be issued within 90 days of receipt of your application.

Applicant's Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

Home Address (if different from above): _____

Email Address: _____

DOB or ALS# _____

FWP receives requests for mailing lists. Do you want your name included on lists provided by FWP to requestors? Yes ____ No ____

I hereby make application for a Commercial Bait Seining License to be in effect for seining or capturing nongame fish for use as bait. The following nongame fish may not be used as live bait in Montana: black bullheads, bluegill, carp, goldfish, green sunfish, pumpkinseed, rainbow smelt, sculpins, stonecats and yellow bullheads. Game fish may not be used as bait except as authorized in regulations for dead bait.] FWP authorization is required to import live fish. Call 406-452-6181.

I plan to seine the following waters in **FWP Region** _____ (please fill in the region #)

NOTE: a separate application and fee is required for each FWP Region. See Fishing Regulations for Region boundaries

TYPE AND SIZE OF NETS/TRAPS TO BE USED (seines no larger than 12 feet by 4 feet; minnow traps not to exceed 24 inches by 12 inches by 12 inches; cast nets not to exceed 6-foot radius; dip nets no larger than 3 feet by 3 feet):

NAME OF SPECIFIC WATER(S)
(include specific section/area)

COUNTY

Have you ever had a seining license revoked at any time? _____

If so, give date of revocation: _____ what state? _____

Applicant's signature: _____

This Page For Department Use Only

REPORT OF INVESTIGATION FOR COMMERCIAL BAIT SEINING LICENSE

Have you verified the information contained on this application? Yes _____ No _____

Which waters listed on this application do you recommend for licensing? Yes _____ No _____

NOTE: Only waters listed in FWP region _____ can be approved here.

Which waters listed are not approved for licensing? Provide justification.

What limit of seasons do you recommend?

What FWP Warden districts are involved?

Investigation Completed by:

☐ APPROVED

☐ NO ACTION REQUIRED

COPY OF APPROVED
APPLICATION SENT TO:

☐ DENIED

☐ DENIED

Fisheries Manager

Regional Supervisor

Enforcement Division

Date

Date

Date

LICENSE FEE \$10 (remitted in form of check)

Check Number: _____

License Issued Date _____

By: _____

COMMERCIAL BAIT FISH SEINING REGULATIONS

These regulations are valid January 1, 2011 through December 31, 2011.

- Any individual taking nongame fish for sale or commercial distribution must possess a commercial Bait Fish Seining Permit. Any person who has in possession more than 24 dozen minnows or nongame bait fish is considered a commercial operation.
- Live bait may not be imported into the State of Montana for commercial or other purposes without department authorization.
- Net and Trap Requirements: Bait fish may be taken with hook and line; or with seines no larger than 12 feet by 4 feet; or with minnow traps (the dimensions shall not exceed 24 inches x 12 inches x 12 inches); or with cast nets (maximum 6-foot radius) and dip nets (no larger than 3 feet x 3 feet). All unattended fishing devices must have the angler's name and phone number or name and ALS# attached to it.
- No portion of salmonids may be used for live or cut bait except the eggs of char, cisco, grayling, salmon or trout.
- Parts/pieces of bass, burbot (ling), channel catfish, crappie, northern pike, paddlefish, sauger, shovelnose sturgeon, tiger muskellunge, walleye, or yellow perch may be used as bait if edible portions are not wasted.
- Nongame fish may be captured for commercial purposes in accordance with ARM Section 12.7.201-12.7.206, and in accordance with standard regulations or exceptions for each water.
- Nongame fish that are freshly killed or have been preserved by freezing, salting or pickling may be used as bait on all waters not restricted to artificial flies and lures. Heads and entrails of non-game fish may also be used as bait.
- Sculpins (genus *Cottus*) may not be used as bait (live or dead) in the Western Fishing District.
- Black bullheads, bluegill, carp, goldfish, green sunfish, pumpkinseed, rainbow smelt, sculpins, stonecats, yellow bullheads, shortnose gar, sturgeon chub, sicklefin chub, Northern redbelly dace, blue sucker and pearl dace may **not** be transported live or used as live bait in Montana.
- This license is not valid on Indian Reservation waters; for information, contact local tribal officials.

LIST OF APPROVED SEINING WATERS

Nongame bait fish (except carp, goldfish and rainbow smelt) may be taken from the following waters:

Western Fishing District

Flathead Lake (north half only)
Flathead River (mouth to Highway 2 Bridge) plus adjacent sloughs
Ashley Creek
Ashley Lake tributaries
Stillwater River (Dog Lake downstream to the mouth)
Finger Lake
Fish Lake, Lincoln County
Flathead River (Flathead Reservation boundary to confluence with Clark Fork River)
Echo Lake
Whitefish River
Herrig Creek (Little Bitterroot tributary)
Clark Fork River (mouth of Flathead River to Thompson Falls Dam)
Noxon Rapids Reservoir
Upper, Lower and Middle Thompson lakes

Central Fishing District

Bighorn Lake and Afterbay Reservoir
Bighorn River -- Afterbay Dam to cable 600 feet downstream and below Bighorn Access Area
Clarks Fork Yellowstone River -- Downstream from bridge at Bridger
Kammerzell Reservoir
Marias River & tributaries downstream from Interstate 15
Missouri River downstream from Morony Dam
Muddy Creek Drainage near Vaughn, including all streams and drainage canals
Streams and ditches in the Yellowstone River Drainage downstream of the mouth of the Clarks Fork
Teton River & tributaries downstream from Interstate 15
Tiber Reservoir (Lake Elwell) & tributaries downstream from Interstate 15

Eastern Fishing District (continued on next page)

Streams -- Nongame bait fish may be taken from all streams in the Eastern District **except** the following:

Milk River and tributaries above Fresno Dam
Beaver Creek upstream from Beaver Creek Reservoir
Big Dry Creek and Little Dry Creek north of Highway #200 in Garfield County
Hanging Woman Creek downstream from the Birney Road to its confluence with the Tongue River
Otter Creek downstream from Highway #212 to its confluence with the Tongue River
Lone Tree Creek and Fox Creek, tributaries to the Yellowstone River in Richland County

COMMERCIAL BAIT FISH SEINING REGULATIONS (continued)

Eastern Fishing District (continued)

All irrigation canals and ditches in the Eastern Fishing District are open year around for taking nongame bait fish.

Nongame bait fish may be taken from the following reservoirs in the Eastern Fishing District:

<u>WATER</u>	<u>COUNTY</u>
Anita Reservoir	Yellowstone
Bailey Reservoir	Hill
Bainville Railroad Ponds	Roosevelt
Baker Lake	Fallon
Beaver Creek Reservoir	Hill
BLM Reservoirs	Blaine, Phillips
BLM Reservoirs in Willow Creek Drainage	Valley
Box Elder Reservoir	Sheridan
Buxbaum West Reservoir	Richland
Castle Rock Lake	Rosebud
Cole Ponds	Phillips
Cow Creek Reservoir	Blaine
Doug Gardner #2 Reservoir	Carter
Dry Fork Reservoir	Blaine
Engstrom Reservoir	Sheridan
Ester Reservoir	Phillips
Flat Lake	McCone
Fort Peck Dredge Cut Trout Pond	Valley
Fort Peck Reservoir	
Frenchman Reservoir	Phillips
Gartside Reservoir	Richland
Grub Reservoir	Valley
Gut Shot Reservoir	Valley
Hedstrom Reservoir	McCone
Johnson Reservoir	Dawson
Killenbeck Reservoir	Daniels
Kuester Reservoir	Richland
Lame Steer Reservoir	Wibaux
Lee (Sam) Reservoir	Dawson
Lindsay Reservoir	Dawson
Little Warm Reservoir	Phillips
Lyons Reservoir	Blaine
McChesney Reservoir	Phillips
Medicine Lake Nat'l. Wildlife Refuge	Sheridan
Milk River and its impoundments downstream of Fresno Dam	
Nelson Reservoir	Phillips
Petrolia Reservoir	Petroleum
Raymond Reservoir	Sheridan
Schlesinger Perch Pond	Rosebud
Shoot Reservoir	Valley
South Sandstone Reservoir	Fallon
Spotted Eagle Pond	Custer
Talcott Pond	Carter
Tongue River Reservoir	Big Horn
Tripple Crossing Reservoir	Valley
Valley Reservoir	Valley
VR2 Reservoir	Valley
Wards Reservoir	Valley
Whiteside Reservoir	Garfield
Whitetail Reservoir	Daniels

Montana Statutes

87-3-204. Restrictions on fishing methods -- allowed fishing methods. (1) A game fish may not be caught, captured, or taken or attempted to be caught, captured, or taken by the aid or with the use of any gun or trap, nor may any gun, trap, or other device to entrap game fish be used, made, or set.

(2) Except when specifically authorized by law or commission rule, a person may not:

(a) take or catch fish in any of the waters of this state, except with hook and line held in hand or line and hook attached to rod or pole held in hand or within immediate control;

(b) take or catch fish with hook baited with any poisonous substance or using any poisonous substance, including fish berries; or

(c) take or catch fish using fishtraps, grabhooks, seines, nets, spears, gigs, or other similar means for catching fish.

(3) (a) The commission may designate waters within the state in which rubber or spring-propelled spears employed by persons swimming or submerged in the water or traps, seines, nets, spears, or gigs may be used for taking:

(i) nongame fish; or

(ii) walleyed pike, sauger, northern pike, burbot (ling), and whitefish.

(b) The commission may adopt rules for the taking of fish under this subsection (3), and the rules may be specific to the water designated. The designated waters may be closed at the discretion of the commission.

(c) Except when the taking of game fish is authorized pursuant to subsection (3)(a)(ii), all game fish captured while fishing as authorized under this subsection (3) must be returned uninjured to the waters from which they were taken.

(4) The commission may designate certain waters where setlines may be used to fish for certain species of game or nongame fish, and the commission may designate the number of hooks and lines and the length of line or lines that may be used as setlines.

(5) Game fish must be taken only by hook and single line or single rod in hand or within immediate control. This does not prevent, however:

(a) the snagging of paddlefish, chinook salmon, and kokanee (sockeye salmon) when the commission declares an open season when paddlefish, chinook salmon, and kokanee (sockeye salmon) may be taken by snagging;

(b) the taking of paddlefish, channel catfish, and nongame fish with longbow and arrow, under rules and regulations that the commission prescribes;

(c) the taking of game fish pursuant to subsection (3);

(d) the use of landing net or gaff to land a game fish after the game fish has been hooked as specified in this subsection (5);

(e) the taking of minnows other than game fish variety by the use or aid of a net not to exceed 12 feet in length and 4 feet in width in waters designated by the commission;

(f) the taking of whitefish by nets or traps in the Kootenai River and in its tributary streams within 1 mile of the Kootenai River, under the rules and regulations that the commission prescribes;

(g) the taking of any game fish through a hole in ice with an unattended line or rod as long as the angler is in the vicinity and within visual contact of the line or rod; or

(h) the taking of salmon and lake trout in Fort Peck reservoir by spear or gig from December through March, under rules and regulations prescribed by the commission.

(6) The commission may designate waters where authorized commercial fishing operators may use approved nets, seines, and traps to fish for designated species of nongame fish.

87-4-602. Seining licenses. The director shall keep a record of all licenses issued by him for the use of a net for the taking of fish, showing the name of the applicant, the date of issue, the waters to be used in, and the date of revocation if the license is revoked. The director shall pay all fees received for those licenses into the state treasury to the credit of the fish and game moneys in the state special revenue fund. A license may not be issued to a person whose license has been revoked for cause.

Commercial Minnow Seining Rules

12.7.201 APPLICATION (1) Any individual desiring to seine for or otherwise capture nongame bait fish (excepting carp, goldfish, and rainbow smelt) in any lake, stream, or other body of water (other than an artificial pond licensed under Sec. 87-4-603, MCA) in the state of Montana for sale or commercial distribution, or who desires to transport such bait fish within the state, must make written application to the director for a commercial bait fish seining license upon a form furnished for that purpose signed by the applicant, stating the name and address of applicant, indicating specifically the waters desired for seining or capturing bait fish, declaring whether or not the applicant has had a seining license revoked at any time and stating the date of revocation if such applies and indicating the purpose for which the bait fish are being seined.

(2) Said application must be accompanied by a fee of \$10 which shall be returned if the application is refused.

(3) Any person seining for or capturing such bait fish who shall have more than 24 dozen minnows in his possession within this state shall be deemed seining for sale or commercial distribution and must be licensed as herein provided.

(4) License shall not be required of any person under 15 years of age who does not seine for or capture more than 24 dozen nongame bait fish per day or have in his possession more than 24 dozen nongame bait fish within this state.

(5) Unless specifically permitted by statute or other department authorization, bait fish may not be imported into or exported from the state of Montana for commercial or other purposes by a licensee or other person.

(6) Each year, the department shall describe waters on which commercial seining for bait fish may take place.

(History; Sec. 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; Eff. 12/31/72; AMD, 1982 MAR p. 292, Eff. 2/11/82.)

12.7.202 ISSUANCE (1) Before issuing any seining license, the director must first determine that the applicant has not heretofore had a seining license revoked for cause, and that the waters in which applicant desires to seine have been designated by the commission for the seining desired, and if he so finds, he shall be issued a license which shall expire on the 31st day of December next following, unless earlier revoked as hereinafter provided. The director shall designate on the license the only waters in which the licensee may seine, the type of seining equipment permitted, and the periods, if any, during the term of the license when seining is not permitted. (History: Sec. 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; Eff. 12/31/72; AMD, 1982 MAR p. 292, Eff. 2/11/82.)

12.7.203 REVOCATION (1) If the director shall find upon evidence submitted to him, that any licensee shall have violated any of the provisions of state law or of these regulations concerning seining, he shall revoke said license and thereafter shall refuse further issuance of a seining license to such person. (History: Sec. 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; Eff. 12/31/72.)

12.7.204 APPEAL (1) Any person whose seining license has been revoked or an applicant whose application for a license is refused, may appeal such determination to the commission by serving written notice of such appeal upon the director within 20 days after the date of mailing a copy of notice of revocation or refusal to the licensee or applicant. Upon receipt of such notice of appeal, the commission shall serve upon the appellant notice of time and place for hearing said appeal not less than 15 days prior to the date set to be held in the offices of the commission in Helena, Montana, or elsewhere as the commission shall order. (History: Sec. 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; Eff. 12/31/72.)

12.7.205 HEARING PROCEDURE (1) All hearings shall be open to the public and conducted informally insofar as an orderly presentation will permit. Any interested party to the proceeding or a member of the commission may introduce any material evidence or examine or cross-examine any person present as a witness. The commission shall consider all evidence

presented or introduced under oath at the hearing and all other pertinent documents, papers, or records available to it, and shall not be bound by any laws of evidence of this state.

(2) A full and complete record shall be kept of all proceedings and all testimony shall be recorded, but need not be transcribed unless the matter be further appealed.

(3) Four members of the commission shall constitute a quorum, one of whom must be the chairman. No member shall sit as a member of the commission to hear any matter in which he has a personal interest, nor shall he represent any interested party or witness at the hearing. Any interested party may challenge any member of the commission in writing, served upon the chairman of the commission, 5 days in advance of any scheduled appeal hearing, stating the reasons therefore, and if the commission shall find merit in the challenge, it shall disqualify the challenged member. The decision of any three commission members shall constitute the decision of the commission on any issue presented for its decision. The commission shall have continuing jurisdiction over all matters heard by it, to examine additional evidence or to hear additional testimony, and to revise, modify, alter, amend, or reverse all demands, findings, and decisions made by it at any time and shall not lose jurisdiction unless and until jurisdiction has been taken by a court of competent jurisdiction in a proceeding filed therein. The commission may postpone or continue a hearing from time to time as it deems necessary.

(4) As soon as possible after the hearing, the commission shall render its decision in writing, stating its findings and conclusions to be signed by all commission members joining in the decision. If the appellant or his representative fails to appear at the hearing after due notice, and good cause for continuance is not shown, the commission shall render its decision upon the evidence presented to it. Copies of such decision shall be mailed to the appellant or his representative and shall be kept on file in the office of the commission in Helena, Montana, open to public inspection. The decision of the commission shall become final upon mailing of the same to the appellant. (History: Sec. 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; Eff. 12/31/72.)

12.7.206 VIOLATION (1) Any person violating any provisions of these regulations shall be guilty of a misdemeanor, punishable as provided in section 87-1-102, MCA. (History: Sec. 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; Eff. 12/31/72.)